

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:06 CR 3022 |
| |) | |
| v. |) | |
| |) | |
| |) | |
| JOSE JESUS GOMEZ, JR., |) | MEMORANDUM AND ORDER |
| |) | |
| Defendant. |) | |

Defendant has hired new counsel and the new attorney has requested an additional thirty days in which to review discovery and file pretrial motions. The motion is unopposed, but is not accompanied by a Speedy Trial Act waiver, as required by the court's progression order. In addition, no reason has been stated explaining why the switch in counsel could not have occurred earlier. It is clear, however, that new counsel must be given an opportunity to prepare the case. I shall grant the motion in part.

IT THEREFORE HEREBY IS ORDERED:

1. The motion for extension of time to file pretrial motions, filing 16, is granted in part, and defendant may file pretrial motions on or before June 27, 2006.

2. The court finds that the defendant's interest in having his counsel prepared for the trial in the case, including the resolution of pretrial motions, outweighs the interests of the public and the defendant in a speedy trial. Failure to grant the continuance would deny the defendant the benefit of continuity of

counsel. Therefore, the ends of justice require that the requested extension of time be granted, and the time between this date and June 27, 2006 is excluded for purposes of the Speedy Trial Act, 18 USC 3161(h)(8)(A) and (B)(iv).

DATED June 6, 2006

BY THE COURT:

s/ *David L. Piester*

United States Magistrate Judge